

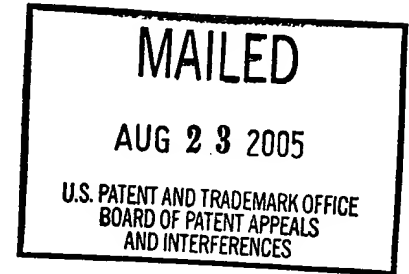
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOEL LESSER

Application No. 09/605,127



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 20, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

On October 22, 2004, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals pertaining to the required appeals conference is not in compliance with the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., rev. 1, Feb. 2003).

Application No. 09/605,127

According to MPEP § 1208:

The participants of the appeal conference should include (1) the examiner charged with preparation of the examiner's answer, (2) a supervisory patent examiner (SPE), and (3) another examiner, known as a conferee, having sufficient experience to be of assistance in the consideration of the merits of the issues on appeal.

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the type or printed names of the other two appeal conference participants.. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

The Examiner's Answer was not signed or initialed by both of the appeals conference participants. Appropriate correction is required as required under MPEP § 1208.

Accordingly, it is

ORDERED that the application is returned to the examiner for:

1) to obtain the conferee's initial or signature on the Examiner's Answer;


Application No. 09/605,127

2) written notification of said initials or signature to appellants; and

3) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



CRAIG R. FEINBERG
Program and Resource Administrator
(571) 272-9797

CRF/dpv

Application No. 09/605,127

Douglas T. Johnson
Miller & Martin
1000 Volunteer Bldg.
832 Georgia Ave.
Chattanooga, TN 37402-2289